

Panaji, 22nd September, 1983 (Bhadra 31, 1905)

SERIES II No. 25

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Secretariat Administration and Coordination Division

Notification

No. 1/18/69-SA&C (Vol. III)

Read: Govt. Notification of even number dated 4-8-1983.

The departmental examination fixed for the officers of the cadre of Mamlatdars /B.D.Os (including Jt. Mamlatdars/Enquiry Officers, City Survey) fixed from 19-9-83 to 22-9-83 under Government Notification dated 4-8-1983 cited above has since been postponed. The said examination will now be held as follows:—

Date	Morning Session 10.00 a. m. to 1.00 p. m.	Evening Session 2.30 p. m. to 5.30 p. m.
1	2	3
19-10-1983	Paper I	Paper VI
20-10-1983	Paper II	Paper III
21-10-1983	Paper IV	Paper V
22-10-1983	Paper VII	—

The venue of the examination remains unchanged.

This issues in partial modification of the above referred Notification.

G. H. Mascarenhas, Under Secretary (SA&C).

Panaji, 13th September, 1983.

Home Department (General)

Order

No. 1/11/82-HD-(G)

Read: Government Order No. 5/27/80-PHD dated 7-9-1983.

1. Government Order No. 13/43/81-PER dated 3-3-1983.

Government is pleased to appoint Dr. N. V. Raikar Medical Officer under the Directorate of Health Services, Panaji as Police Medical Officer on ad-hoc basis by transfer on deputation in the pay scale of Rs. 700-1300/- plus N.P.A. as per rules in the office of the Inspector General of Police, Panaji.

2. The appointment of Dr. N. V. Raikar, as Police Medical Officer will be governed by the terms and conditions of deputation in Govt. of India, Ministry of Finance (Department of Expenditure) Memo No. 10(24)-E-III/60 dated 4-5-1961 and as amended from time to time. The period of deputation of Dr. N. V. Raikar shall be initially for six months on ad-hoc basis from the date of his joining the post.

Dr. N. V. Naik, Police Medical Officer stands relieved from the post of Police Medical Officer from the date Dr. N. V. Raikar takes the charges from Dr. N. V. Naik.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 13th September, 1983.

Order

No. 13/1/80-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, Goa that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 7th September, 1983.

Order

No. 13/1/80-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, Daman that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 7th September, 1983.

Order

No. 13/1/80-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator, of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, Diu that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 7th September, 1983.

Works, Education and Tourism Department

Order

No. 7/13/78-WET-PK

1. Smt. Pratima Kumar a candidate recommended by Union Public Service Commission is appointed on temporary basis as Sr. Architectural Assistant in the P.W.D. in the scale of pay of Rs. 550-25-750-EB-30-900 (Revised) plus all other admissible allowances with immediate effect.

2. The appointment is subject to the terms and conditions specified in the Memorandum of even number dated 8-9-1983.

3. Her pay will be fixed according to Rules.

4. Her appointment is temporary and further subject to the conditions that in case she is disqualified by the Goa Medical College Board, the appointment order will be cancelled.

By order and in the name of the Administrator of Goa, Daman & Diu.

T. S. Khandeparkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 12th September, 1983.

Directorate of Education

Order

No. DE/Acad. I/SEZ/7/82/2602

Read: — 1) Order No. DE/Acad. I/SEZ/7/82/1124 dated 18-5-83.

2) Representation from Mrs. B. Luis dated 28-5-83.

Whereas the Infant Jesus Primary School House No. 48, Rua Bernardo da Costa Margao, Goa vide its letter referred to at (2) above had appealed against the Department's Order No. DE/Acad. I/SEZ/7/82/1124 dated 18-5-83 cited at Sl. No. (1) above.

Whereas the Government has examined the appeal in depth, and has come to the conclusion that the same should be rejected.

Accordingly it is ordered that the Department's Order No. DE/Acad. I/SEZ/7/82/1124 dated 18-5-83 stands.

L. Kiangte, Director of Education Additional Secretary to Government.

Panaji, 8th September, 1983.

Local Administration and Welfare Department

Office of the Assistant Registrar of Cooperative Societies

No. 7-48-80/ARSZ/LQD 2441

Read: (1) This office order No. ARCS/SZ/GEN-(b)-1/Goa/LQD/81/4917 dated 8-1-1981 appointing Shri P. S. Malhotra, Manager, Goa State Coop. Bank Ltd., Panaji as a liquidator of Mormogoa Motor Transport Coop. Society Ltd., Vasco-Goa.

(2) This office order No. 7-48-80/ARSZ/LQD/MMTC dated 25-10-1982 appointing Shri M. J. Khorate, Coop. Officer, Coop. Societies, South Zone, Margao as a liquidator of Mormogoa Motor Transport Coop. Society Ltd., Vasco.

Order

The office order No. 7-48-80/ARSZ/LQD/MMTC dated 25-10-1982 appointing Shri M. J. Khorate, Coop. Officer, Coop. Societies, South Zone, Margao in place of Shri P. S. Malhotra is hereby cancelled.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th August, 1983.

No. 2/2/66-ADM/Anjuna-Seva/ARNZ/Vol.II/83

Read: This office order No. 2/2/66-ADM/Anjuna-Seva/ARNZ/Vol.II/83 dtd. 28th Feb., 1983 appointing Shri S. N. Kubde, Bank Inspector of Goa State Co-op. Bank Ltd., in place of Shri Dinesh Narvekar, as the Liquidator of aforesaid society.

Order

In partial modification of this office order cited above, Shri R. J. Parab, Bank Inspector of Goa State Co-op. Bank Ltd. Mapusa-Branch, Mapusa is hereby appointed as the Liquidator of Anjuna-Kaisua V.K.S.S. Society Ltd., Anjuna, Bardez-Goa, in place of Shri S. N. Kubde, with effect from the date of taking over the charge of the society.

Sd/-

(D. V. Sathe), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa 25th August, 1983.

No. 1/12/75-LQD/Korgao-Seva/ARNZ/83

Read: This office order No. 1/12/75-LQD/Korgao-Seva/ARNZ, dated 5th June, 1982 appointing Shri R. J. Parab, Bank Inspector, The Goa State Co-op. Bank Ltd., Pernem-Branch as Liquidator of the Korgao V.K.S.S. Society Ltd., Korgao-Pernem.

Order

In partial modification of this office order cited above, Shri S. N. Kubde, Bank Inspector of Goa State Co-op. Bank Ltd., Pernem-Branch, Pernem is hereby appointed as Liquidator of Korgao V.K.S.S. Society Ltd., Korgao-Pernem in place of Shri R. J. Parab, with effect from the date of taking over the charge.

Sd/-

(D. V. Sathe), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 25th August, 1983.

No. 1/3/67-LQD/Lokmanya/SEVA/ARNZ/83

Read:— This office order No. 1/3/67-LQD/Lokmanya-Seva/ARNZ dated 7th June, 1983 appointing Shri R. J. Parab, Bank Inspector of the Goa State Co-op. Bank Ltd., as Liquidator of the Lokmanya V.K.S.S. Society Ltd., Morji-Pernem in place of Shri P. H. Gawas.

Order

In partial modification of this office order cited above, Shri S. N. Kubde, Bank Inspector. The Goa State Co-op. Bank Ltd., Pernem-Branch, Pernem-Goa is hereby appointed as Liquidator of the Lokmanya V.K.S.S. Society Ltd., Morjim-Pernem in place of Shri R. J. Parab, with effect from the date of taking over the charge of the society.

Sd/-

(D. V. Sathe), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 25th August, 1983.

Mauli V.K.S.S. Society Ltd, Mencurem-Bicholim in place of Shri S. N. Kubde, with effect from the date of taking over the charge.

Sd/-

(D. V. Sathe), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 25th August, 1983.

Notification

In exercise of the powers vested in me under Section 9(1) of Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu; The Arlem Breveries Employees Coop. Credit Society Ltd., Arlem-Raia-Salcete is registered under code symbol No. 3-Coop(b)-11/South Goa/83.

Sd/-

(M. A. Desai), Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st June, 1983.

No. 1/22/72-LQD/Mauli-Seva/ARNZ/83

Read:— This office order No. 1/22/72-LQD/Mauli-Seva/ARNZ/83, dated 28th Feb., 1983, appointing Shri S. N. Kubde, Bank Inspector of Goa State Co-op. Bank Ltd., in place of Shri A. V. Shinde, as Liquidator of Mauli V.K.S.S. Society Ltd., Mencurem-Bicholim-Goa.

Order

In partial modification of this office order cited above, Shri R. J. Parab, Bank Inspector, Mapusa-Branch of Goa State Co-op. Bank Ltd., is hereby appointed as Liquidator of

Certificate of Registration

The Arlem Breveries Employees Coop. Credit Society Ltd., Arlem-Raia-Salcete-Goa has been registered on 21-6-1983 and it bears registration code symbol No. 3-Coop(b)-11/South Goa/83 and it is classified as a Salary Earners Society in terms of Rule 9(3)(b) of the Cooperative Societies Rules 1962 for the Union Territory of Goa, Daman & Diu.

Sd/-

(M. A. Desai), Asstt. Registrar of Coop. Societies, South Zone.

Margao, 21st June, 1983.

Revenue Department

Notification

No. 22/11/83-RD

Whereas by Government Notification No. 22/11/83-RD dated 23-2-1983 published on page 664 of Series II, No. 49 of the Official Gazette, dated 5-3-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for public purpose viz. Construction of Ram Nagar Road at Reis Magos-Betim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, PWD (CELL), Altinho-Panaji, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, PWD (CELL), Altinho-Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Reis-Magos	66	3/part	1. Shri Jose Domingos da Costa. 2. Smt. Tillottama N. Dessai.	1017.00
			66	9/part	Shri Damu Raula Parab.	50.00
Boundaries:						
North: Survey No. 66/3 × 9.						
South: Survey No. 66/3 × 9.						
East: Survey No. 66/3.						
West: Road.						
Total						1067.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue-I).

Panaji, 16th September, 1983.

Notification
No. 22/150/80-RD

Whereas by Government Notification No. 22/150/80-RD dated 21-1-81 published on page 671 of Series II, No. 45 of the Official Gazette, dated 5-2-81 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For Construction of a road at Keri-Jambul for Anjunem Irrigation Project.

And whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Anjunem, Duler-Mapusa, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Special Land Acquisition Officer, Anjunem-Duler Mapusa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1	Satari	Gululem	3	8	H: Government of Goa, Gaman and Diu. L: Shri Krishna Ezzo Ravankar.	2350.00
Boundaries:						
North: Survey 8/2 part of Survey No. 8/3.						
South: Part of Survey No. 8/3.						
East: Survey No. 8/2.						
West: Nala.						
Total						2350.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue - I).

Panaji, 14th September, 1983.

Notification
No. 22/33/83-RD

Whereas by Government Notification No. 22/33/83-RD dated 22-3-1983 published on page 713 of Series II, No. 53 of the Official Gazette, dated 31-3-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. Distributory D1 of Salaulim Irrigation Project, Cotombi village.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable, and that the Collector appointed under

paragraph 2 below, shall at any time, on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now therefore the Government is pleased to declare under the provision of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Sanguem to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Special Land Acquisition Officer, Sanguem till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Plot No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Cotombi	2	1	1. Comunidade of Cotombi.	2350.00
					2. Shri Bartholimao Inacio	
					Piedade Francisco D'Cunha.	
	— do —	— do —	2	2	3. Shri Antonio Rosario D'Silva.	1300.00
					1. Shri Vasant Vishnu Kharangate.	
					2. Shri Venkatesh Kharangate.	
	— do —	— do —	2	4	3. Shri Anant Vithal Kharangate.	2490.00
					1. Shri Balkrishna Vithal Kharangate.	
					2. Shri Upendra V. Kharangate.	
					3. Shri Narayana V. Kharangate.	
	— do —	— do —	9	2	4. Shri Lamxikant Vithal Kharangate.	575.00
					5. Shri Bhagawant V. Kharangate.	
			9	2 A	1. Shri Bartholimao Inacio.	215.00
					Piedade Francisco D'Cunha.	
			9	2 B	1. Shri Bartholimao Inacio.	310.00
					Piedade Francisco D'Cunha.	
Total						7240.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue-I).

Panaji, 14th September, 1983.

Notification

No. RD/TNC/BND/280/67 (Part file)

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso:—

SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1	Primeiro Chopdem Khazan	Oxel Siolim	Bardez	13 Hectares	The bund defending the Paddy field 'Primeiro Chopdem Khazan' at Oxel-Siolim starts with the paddy field 'Primeiro Chopdem Khazan' at Oxel-Siolim. It is running marginal to the Chapora river. The bund ends with same paddy field situated at Oxel-Siolim of Bardez Taluka.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. S. Ingle, Under Secretary (Revenue-I).

Panaji, 8th September, 1983.

Office of the Civil Administrator, Diu

Notification

No. 4-2-83-LND-RR/2621

Read: 1. Notification No. RD/LRC/47/71-75(i) dated 31-10-75 issued by the Revenue Department, Panaji.

2. Notification No. RD/LRC/47/71-75(ii) dated 7th November 1975 issued by the Revenue Department, Panaji.

In exercise of the powers conferred by Section 4 of the Goa, Daman and Diu Land Revenue Code, 1968 read with notifications stated at preamble 1 and 2, I, Shri R. P. Pal, Collector of Diu (within the meaning of the Code), hereby appoint each of the officers specified in the column 2 of the Schedule hereto annexed, to exercise the powers and discharge the duties and functions of the Revenue and Survey Officers under Code mentioned against each in the corresponding entry in column 3 within the jurisdiction specified in the corresponding entry in column 4 of the Schedule.

SCHEDULE

Sr. No.	Officers	Officer under the Code	Jurisdiction
1	2	3	4
1.	Mamlatdar, Diu	Mamlatdar	Diu Taluka
2.	Aval Karkun	Aval Karkun	Diu Taluka
3.	Talathi, Vanakbara	Talathi	Vanakbara village
4.	Talathi, Bhucharvada	Talathi	Bhucharvada village
5.	Talathi, Diu, Fudam, Ghoghla and Simbor	Talathi	Diu, Fudam, Ghoghla & Simbor village

E. P. Pal, Collector and Civil Administrator, Diu.
Diu, 1st September, 1983.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under

the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 8th September, 1983.

IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/35/78

1. Shri V. M. Lobo — Applicant
V/s,

1. M/s. Drogaria Salcette — Opponent

Opponent represented by Shri P. K. Lele, Labour Advisor.

Panaji, Dated: 2-9-1983

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above opponent, claiming from the latter the total amount of Rs. 2,058/-. as per the details given in the annexure.

2. The opponent, in its reply, has stated that the applicant is not entitled to claim any amount from the opponent, as the matter was settled before the Asstt. Labour Commissioner and, by virtue of this settlement, the applicant was paid Rs. 1,500/- as full and final settlement of all his dues, which amount was accepted by the applicant.

3. When evidence of the applicant was going on, the applicant moved an application for permission to withdraw his original application, which request, heard the other party, was granted.

4. As the applicant has withdrawn his application, the same is dismissed and the case is disposed off, with no order as to costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/8/83

1. Shri Tukaram G. Naik — Workman/Party I

V/s.

1. M/s. Su-Pack — Employer/Party II

Employer/Party II represented by Adv. P. J. Kamat.

Panaji. Dated: 2-9-1983

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by its Order No. 28/45/82-ILD, dated 28-1-83. The schedule annexed to the order of reference reads as follows:

"Whether the action of the employer of M/s. Su-Pack, Corlim Industrial Estate, Corlim, Goa in discharging the services of Shri Tukaram G. Naik, Mandur, Dongrim, Neura Goa, w.e.f. 27-7-1982 is legal and justified.

If not, to what relief the said workman is entitled?"

2. The workman/Party I, in his statement of claim, has submitted that he was in the employment of the Respondent as a Plant Attender from 6-12-1977 and his services were terminated by notice dated 27-2-1982, for reasons best known to the employer. It is true that there was a departmental inquiry against him in which no case was made out against the applicant. So the employer's action in discharging him is illegal and is an act of victimization and, therefore, the applicant should be reinstated in services in the same capacity.

3. The employer, in its written statement, has stated that the applicant was discharged after an inquiry in which various mis-conducts were found proved against the workman. At the time of discharge, all the legal dues were offered to the workman, who refused to accept the discharge letter as well as the dues.

4. Following issues were framed by the Tribunal:

"Besides the issues involved in the Order of Reference, the following preliminary issues are hereby framed:

1) Whether the Employer proves that the domestic inquiry held is fair and proper and with due compliance of the principles of natural justice?

2) Whether the Workman proves that his case is of victimization by the Employer?"

5. When the matter was fixed for evidence, both the parties approached the court saying that they had arrived at an amicable settlement, the terms of which were filed by the parties, with a request that Consent Award may be made accordingly.

6. The settlement terms are as follows:

"a) The parties have agreed to consider the termination of services of the Party I as resignation with effect from 27-7-82.

b) The Party II employers agree to pay a sum of Rs. 2,700/- (Rupees two thousand and seven hundred only) to Party I workman towards full and final settlement of all his legal dues.

c) The parties agree that they have no claim of whatsoever nature against each other.

d) In view of clauses (a) and (b) above the Party I agrees that he has no dispute with the Party II."

7. The above terms are fair and do justice to both the parties. Hence, I accept them and pass the following order:

ORDER

Consent Award in terms of the above settlement is hereby made and the case is disposed off with no order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/64/82

1. Shri Uttom Porob — Workmen/Party I

2. Shri Laximan L. Pilgaonkar

3. Shri Krishna L. Pilgaonkar

V/s.

1. Shree Haresh Saw Mills — Employer/Party II

Workmen/Party I represented by Shri P. Ghodge, President of Goa Shops and Industrial Workers' Union.

Employer/Party II represented by Shri B. G. Kamat, Labour Advisor.

Panaji. Dated: 22-8-1983

AWARD

This is a reference made to this Tribunal by the Government of Goa, Daman & Diu, by its order No. 28/12/82-ILD dated 23rd November, 1982. The schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Shree Haresh Saw Mills, Fatorda, Margao, Salcette-Goa, in terminating the services of the three workmen, S/Shri Uttam R. Porob, Laximan L. Pilgaonkar, and Krishna L. Pilgaonkar, all Helpers with effect from 9-11-1981 is legal and justified.

If so, to what relief the said workmen are entitled to?"

2. The case of the workmen is that they were engaged on the wood cutting saw machines and were mainly working as asstt. cutters; depending on the work load, they were given independent charges of cutting wood, as per specification provided by the employer; the Saw Mill had not divided their workmen into specific categories; the workers were made to work overtime, on weekly offs and on holidays without payment of any overtime wages; they were not allowed any paid leave or other fringe benefits and their service conditions were sub-human and in contravention of the legislation in force in this territory; they had no fixed pay scales. In order that they may get their grievances redressed, they, along with other workers in the establishment, joined the Goa Shops and Industrial Workers Union somewhere in August 1979; the Union, thereafter, took up with the employers the matter of non-compliance of legal provisions concerning the service conditions of the workmen. Instead of conceding the legal and just demands of the workmen, the employers started harassing the workers and terminated the services of several of them, under some pretext or the other; they started to recruit workers without complying with the legal provisions and without keeping any record of their employment; they stopped payment of customary bonus to the workmen and reduced the salary of the workmen from 1979. The workmen refused to accept the reduced salary and, because of this, their services were terminated w.e.f. February 1980. Then, the Labour Commissioner's office was approached, but with no result. In spite of the persistent efforts of the Union and the workers to get their legal dues, the employer continued to defy the law and harass the workmen. The Union then submitted a Charter of Demands on behalf of the workmen but the employers failed to respond and the matter was taken up before the Labour Commissioner and was admitted in Conciliation Proceedings. However, the conciliation proceedings failed and, hence, this reference made by the Government to this Tribunal for adjudication of this dispute. The workmen named in the reference submit that their services have been wrongfully and illegally terminated by the management w.e.f. 9-11-1981 and so they are entitled for reinstatement with full back wages and continuity of services.

3. The employer, in their counter, raised a preliminary objection regarding the representation of the concerned workmen by the Union as, according to them, employees Union has no locus standi to sponsor the dispute. It is also submitted that the workmen have no authority to verify the statement of claim and, hence, it is not maintainable and has to be rejected. On merits, it is stated that the dates of appointment given by the workmen are not correct and that they were in the employment of the firm as 'Helpers' to attend

unskilled work and were never engaged as wood cutters or Saw Machines or as Asstt. Wood cutters, as contended by them. The other allegations made by the workmen are mostly denied by the employer in this counter, saying that they are baseless, fictitious and imaginary. It is also denied that the services of the workmen have been terminated on account of their failure in getting their charter of demands accepted by the management or otherwise. The reason for termination was that the unskilled work done by the workers as helpers was seasonal in nature and intermittent in character. Further, there was no sufficient work to be given to the workers for a normal day's work. The partners of the firm, therefore, decided to abolish the category of helper in the firm's establishment, since they were capable and ready to do the work on saw machines. Accordingly, this category was abolished and the services of all the three workmen were terminated w.e.f. 9th November 1981 after following the provisions of Sec. 25—F of the I. D. A., 1947, in short the Act. The decision to abolish the category of helpers was taken in normal course and in good faith.

4. A rejoinder was filed by the workmen maintaining their stand in the statement of claim and denying the allegations made by the employer in their written statement.

5. Following issues were framed by the Tribunal:

"Besides the issues involved in the order of reference the following additional issues are hereby framed, which are to be treated as preliminary.

1. Whether the employer proves that this reference is illegal and not maintainable?

2. Whether the employer proves that the verification of the statement of claim by the concerned workmen is illegal?

3. Whether the Union proves that it has been duly authorised by the concerned workmen to sponsor or spouse their case?"

6. When the matter was fixed for evidence, the parties approached the Tribunal stating that they have arrived at an amicable settlement, the terms of which were filed and prayed that a consent award in terms of the settlement be made.

The settlement terms are as follows:

"The concerned Workmen and the Union accept the termination of services of S/Shri Uttam Parab, Laxman Pilgaonkar and Krishna Pilgaonkar by the Employer with effect from 9th November, 1981 and withdraw their demand for reinstatement.

2. The Employer agrees to pay Shri Uttam Parab a sum of Rs. 4000/- (Rupees four thousand) only, Shri Laxman Pilgaonkar Rs. 3000/- (Rupees three thousand) only and Krishna Pilgaonkar Rs. 3000/- (Rupees three thousand) only in full and final settlement of all their dues and claims on the Employer.

3. The concerned Workmen and the Union agree that in view of clause (2) above, the concerned Workmen have no other further claim or dispute of whatsoever nature on the Employer. The parties jointly pray the Award in terms of this Settlement may please be made."

7. The terms of settlement above are fair to both the parties and, hence, I accept them and pass the following order:

ORDER

Consent Award in terms of the above settlement is hereby made and the matter is disposed off. No order as to costs.

Dr. Renato de Noronha

Industrial Tribunal
Presiding Officer

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/1/81

1. Smt. M. K. Julekha

— Workman/Party I

V/s.

1. M/s. Hareesh Saw Mills

— Employer/Party II

Workman/Party I represented by Shri P. Ghodge, President of Goa Shops and Industrial Workers' Union.

Employer/Party II represented by Shri Ramesh Desai, Labour Advisor.

Panaji. Dated: 24-8-1983

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its Order No. 28/21/80/ILD dated 24-2-81. The schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Hareesh Saw Mills, Fatorda, Margao, in terminating the services of Smt. M. K. Julekha as unskilled workman, with effect from 3-7-1979 is legal and justified.

If not, to what relief the said workman is entitled to?"

2. The workman, in her statement of claim, has stated as follows:

She was employed as a helper for the employer in their saw mill at Fatorda, Margao from 3rd October 1976; she was made to work for more than 9 and a half hours per day and was not paid any overtime wages. She was also made to work on national holidays for which no overtime was paid; she was also not allowed any paid leave. So the workman, alongwith her other colleagues, joined the Goa Shops and Industrial Union in order to get their grievances redressed. Subsequently, all of a sudden, the employer terminated her services orally w.e.f. 3-9-1979, without giving any reason; she was also not paid any legal dues on termination of her services. She raised the matter of her termination with the employer and demanded full back wages with continuity of services but with no result. So, the matter was taken up before the Labour Commissioner and, as the conciliation proceedings there failed, the Govt. referred the matter to this Tribunal for adjudication.

It is submitted that the services of the workman have been illegally and wrongfully terminated by the Management/Employer w.e.f. 3-9-1979 and so she is entitled to reinstatement with full back wages and continuity of services from 3-9-1979.

3. In their written statement, the employer raised a preliminary objection regarding the maintainability of the reference, saying that Smt. M. K. Julekha is not a 'Workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, in short the Act, and so she is not entitled to raise the dispute under the provisions of the Act. On merits, it is stated that the employer is a partnership firm engaged in sawing wood and, for this purpose, run a saw mill at Fatorda, Margao, where it employs 4 workmen, one to cut and three as helpers. The partners of the firm numbering 5 reside, as a joint family, in a house situated about 100 Mts. from the mill. Sometime in March 1979, Smt. Julekha was engaged as a domestic part time servant in the residential house of the employer; she worked in the residential house for about 6 months and for about 2 hours in the morning, doing their domestic work. At no time, she was employed in the firm or in the mill in connection with any work of the mill or of the firm. This can be verified by the muster roll and the payment of wages register of the Mill. On 6-11-1979, the workman filed an appeal before the Labour Commissioner under the provisions of the Shops and Establishments Act 1973, alleging illegal termination of her services by the firm but later withdrew this appeal and filed a complaint under the Industrial Disputes Act before the Labour Commissioner. Accordingly, the authority under the Shops and Establishments Act disposed off the application by order dated 23-2-1980, copy of which is filed. The Asstt. Labour Commissioner erroneously took the matter in conciliation and as no settlement could be arrived at, a failure report was sent to the Govt., which resulted in this reference.

It is submitted that the work in the residence of the employer cannot be considered as an 'Industry' and so Smt. Julekha is not a 'Workman' under the Act and as such her demands should be rejected in toto.

4. In her rejoinder, the workman has denied the allegations made by the employer in their written statement and also replied to the preliminary objection.

5. Following issues were framed by the Tribunal:

"1. Whether the Workman/Party I proves that she is a 'Workman' within the meaning of S.2(s) of the I.D.A.?

2. Whether the employers prove that Smt. Julekha was engaged somewhere in March 1979 as domestic part-time servant in the residence of the partners of the firm and was at no time employed in the mill or in connection with any work of the Mill?

3. Whether the employers prove that its action in terminating the services of Smt. Julekha as unskilled workman w.e.f. 3-7-1979 is legal and justified?

4. Whether the workman proves that she was employed as helper by the employers in their Saw Mill at Fatorda since 3-10-1976 and her services were illegally terminated without notice or without assigning any reason and also without making any payment w.e.f. 3-10-1979?

5. What relief?

Issues Nos. 1 and 2 to be deemed as Preliminary Issues".

6. After evidence started, both the parties arrived at a settlement, the terms of which were filed with a prayer that a consent award may be passed by the Tribunal accordingly.

The terms of settlement are as follows:

1. The concerned worker and the Union accept the termination of the concerned Worker's services by the Employer with effect from 3rd September 1979 and withdraw their demand for her reinstatement.

2. The employer agrees to pay the concerned Worker a sum of Rs. 1000/- (Rupees One thousand) only in full and final settlement of all her dues and claims on the Employer.

3. The concerned Worker and the Union agree that in view of Clause (2) above, the concerned Worker has no other further claim or dispute of whatsoever nature on the Employer.

The parties jointly pray that Award in terms of this settlement may please be passed".

7. The above terms do justice to both the parties. Hence, I accept them and pass the following order:

ORDER

Consent Award in terms of the above settlement is hereby made and this reference is disposed off. No order as to costs.

Dr. Renato de Noronha

Presiding Officer
Industrial Tribunal